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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/616,890

07/09/2003

R. J. Harris

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22852

7590

10/24/2005

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EXAMINER

RAEVIS, ROBERT R

ART UNIT

PAPER NUMBER

2856

DATE MAILED: 10/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/616,890

Applicant(s)

HARRIS, R. J.

Examiner

Robert R. Raevis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☒ Responsive to communication(s) filed on 18 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-14 and 16-40 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- ☒ Claim(s) 1-5, 8-14, 16-22, 26-35 and 38 is/are allowed.
- ☒ Claim(s) 6, 7, 23-25, 36, 37, 39 and 40 is/are rejected.
- ☒ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- ☐ The specification is objected to by the Examiner.
- ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 - Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 - Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some * c) ☐ None of:
 - ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/05 and 8/04.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claims 36,37,40 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

As to claims 36,27, "small diameter end substantially sealing against the inside wall of the pipe" is not consistent with the originally filed disclosure.

As to claim 40, "small diameter end substantially sealing against the inside wall of the pipe" is not consistent with the originally filed disclosure.

Claims 6,7,36,37,40,23-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claims 6,7, is the "tow line" connected to the remaining structural limitations, as suggested by "apparatus", or is the invention directed to an aggregation of parts (as suggested by the lack of a connection)?

As to claims 36,37,40, these claims state that the small diameter end is both attached to the tow line and employed to seal against the inside wall of the pipe. This is not consistent with the disclosure, which seems to suggest that it is the large diameter end that seals against the inside wall. Is Applicant injecting new matter into this

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application? Is this claim lacking a well positioned comma (or two) that would change the structural meaning of these claims?

As to claim 23, where is the subject matter of lines 3-4 ("passing the sonde...around the sonde cable") in the written specification/drawings? (Regarding REMARKS, the sonde is not visible in Figure 3, and paragraph 52 does not provide any explanation.)

Claims 37,40 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Jenkins et al '800.

Jenkins teaches (Figures 3,4A,4B) a tow line 51 attached to a sealing means 152/162 which centers. The assembly employs a central portion 58 that a plurality of joints 68, each joint providing elements 152/162. One element provides a centralizing portion, another providing a plug portion, and a third providing a gasket portion. The seal is constructed of "silicon rubber" (col. 5, line 19) whose outer circumference would deflect in a direction away from the direction of towing, necessarily resulting in a small diameter end and large diameter end (i.e. conical section), the tow line being attached by the small diameter end. Please note that Applicant's conical section is "sheet rubber" (para 65), the same material as employed in Jenkins.

Claim 37 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Biggerstaff.

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Biggerstaff teaches (Figure 2) an apparatus, including: central portion including a centralizing portion 49,53a and plug 59, and extension 40,38,32; and "elastomeric" (col. 3, line 49) gasket portion 33 disposed around the central portion, the gasket capable of sealing as the apparatus is towed via line 35 that's connected to the central portion.

The gasket 33 has a conical shape in Figure 2. Please note that Applicant's conical section is "sheet rubber" (para 65), while Biggerstaff calls for "elastomeric" material.

Claims 36,39,40 are rejected under 35 U.S.C. 102(b) as being anticipated by Huber.

Huber teaches (Figures 4A to 4C) a device, including: means to attach a tow line 174, means for sealing 134 against the inside of the wall of a fluid line, and means for breaking the seal when pulling in a direction opposite the tow line 174, when pulling on "string" (col. 10, line 23; as opposed to the illustrated hook 177). The sealing means 134 comprises (See Figure 4C) a conical *section* 172 having a small diameter end (right hand side) and large diameter end (to the left of the small diameter section) attached to the means for attaching a tow line (i.e. the "string") by the small diameter end, the seal being against the inside wall of the pipe. Note that the baffle is removed by pulling via "either lugs 171 or 172" (col. 10, line 18).

As to claims 36,39,40, the seal 136 plugs the line, and does slide relative to the line when the circumference of the seal exits from seat 113.

As to claim 39, pulling on string breaks the seal.

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Claim 37 is provisionally rejected under the judicially created doctrine of double patenting over claim 35 of copending Application No. 10/306,403. This is a provisional double patenting rejection since the conflicting claims have not yet been patented.

The subject matter claimed in the instant application is fully disclosed in the referenced copending application and would be covered by any patent granted on that copending application since the referenced copending application and the instant application are claiming common subject matter, as follows: As to claim 37, claim 35's means for sealing also serves as a means for centering within the pipe, and thus suggests claim 37.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert R. Raevs whose telephone number is 571-272-2204. The examiner can normally be reached on Monday to Friday from 7am to 4pm. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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